RESPONSE TO THE OFFICE ACTION

1. Claims 1-3, 7, 8, 11-14 and 17 are rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 4,805,907 (Hagiwara) in view of U.S. Patent No. 5,876,284 (Acres et al.).

The Examiner's Comments Regarding Applicant's Arguments

In response to the Applicant's previous arguments submitted by Amendment, the Office Action responds by stating:

1. Even if Hagiwara's games are initiated by coin deposit (which Applicant has argued), the CPU/processor still determined results and "at time interval." Page 8, lines 6-8)

The rejection does not appreciate or consider the actual limitation that the "time interval" is not determined by the Hagiwara processor/CPU. The Hagiwara system specifically and **only** initiates game outcome results upon player wagering **in direct response to player wagering.** The assertion that the Hagiwara processor determines results "at time interval," is without foundation. The term as now specifically defined reads "at predetermined intervals between game results that are processor controlled times or time intervals." This concept is not taught by Hagiwara and is not obvious from Hagiwara.

The comments on page 8 of the Office Action stating that "the CPU/Procesor in Hagiwara is what is determining the results at time interval" is fatally in error. There is absolutely no basis for the assertion that the CPU/Processor determines any "time interval," or as presently claimed, determined "intervals between games." Hagiwara is coin-initiated. Games begin ONLY WHEN coins are inserted. That makes the Hagiwara system totally dependent upon player initiation to begin a game. That functional limitation of Hagiwara is precisely what the presently claimed technology is avoiding.

APPLICANTS REQUEST CITATION OF ANY SPECIFIC OR INSINUATED DISCLOSURE IN HAGIWARA THAT IS USED AS A BASIS FOR THIS FLAWED ASSERTION IN THE REJECTION.

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The assertion that Acres teaches setting time intervals for gaming events (especially initiation of a game) is TOTALLY FALSE. Acres teaches setting time and duration intervals for AN ARTIFICAL STORM EVENT, which might be suspended from a casino ceiling or as a top box to indicate when a special event is occurring. Note the following quotation from Acres:

> "Turning now to FIG. 35, a relay module 254 is connected to network 10 via cable 30 (from FIG. 1), not shown in its entirety in FIG. 35. Relay module 254 includes four relays each of which closes in response to a command issued by one of the floor controllers, like floor controllers 18, 28 in system 10 as shown in FIG. 1. The relay contacts, in turn, are connected to a storm simulator 257. Preferably, **the storm simulator comprises one or more panels having clouds depicted thereon which is suspended from a ceiling in the casino**. A plurality of lights provide indirect lighting of the clouds for simulating lightning. A sound source, preferably a computer having a commercially available sound card installed therein, is connected to a conventional amplifier which produces the sound of thunder when played through concealed speakers."

This is not controlling intervals between games, but intervals between simulated storm entertainment events.

The addition of Acres fails to overcome the specific deficiencies of Hagiwara for which it is cited. THE ADDITIONAL REFERENCE THEREFORE MERELY ACCENTUATES THE ERROR AND FAILURE OF HAGIWARA, WITHOUT CORRECTING THOSE DEFICIENCIES.

In the presently claimed invention, the processor determines when an outcome is to be decided, in advance of the initiation of the random event that determines such an outcome (predetermined time intervals between game results). That event, which is an active event which can be used to resolve wagers, then occurs at the end of the time interval, whether or not players have placed wagers, but is resolved on only wagers placed before the end of the predetermined interval.

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This is an actual process step, determining an interval and then determining an active outcome. This step is neither taught by or rendered obvious by Hagiwara. **There is no "time interval" determined by Hagiwara.**

2. It is asserted that Hagiwara teaches that there is a main CPU/Display/Machine that

"...determines one single result and sends that result to the subordinate machine. The subordinate machines are not determining anything other than the individual payout based on individual betting. No player is required to be at the Main machine for the system to operate." (Page 8, lines 8-15)

This statement is not only in error, but also misinterprets the claims. Applicants do not assert that a player must be at the Main machine (1). As Hagiwara specifically states, there must be a player at a subordinate machine and that player must place a wager to initiate the generation of a result by the Main machine. Note specifically the Hagiwara disclosure of Column 1, lines 37-52, with **emphasis** added:

> "The slot machine according to this invention comprises one main machine, and a plurality of subordinate machines connected to the main machine. Each of the subordinate machines at least comprises a slot, **detecting means for sensing the coins inserted in the slot**, and paying-out means for paying out coins.
>
> "The **main machine comprises control means for starting a game in response to an output of the detecting means of a subordinate machine and controlling the proceeding of the game**, display means for showing on a screen symbol rows having plural kinds of symbols, which are moved while the game is going on, and payment commanding means for commanding the paying-out means of the subordinate machine to pay out coins in accordance with a preset payment rate when the result of the game is a "win" for a player."

It is absolutely clear that a player must make a wager at a subordinate machine to initiate a game determining result. **That is specifically excluded from the present claims.**

3. The Office Action interprets Applicants position as believing that the system of Hagiwara provides "...a game in which the reels are spun at processor-controlled intervals, the intervals not being based on the amount or timing of a player's wager..." and that this is a novel and unobvious step. (Page 8, lines 18-21). To this the Office Action counters that:

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a) Having a spin time...determined by a processor control does not preclude the spin being initiated by a wager time or a wager amount as outlined in '907 col.2"

This argument has no evidentiary weight. In effect this argument asserts that because Hagiwara does not teach time interval control for game results, it is not prohibited. That form of evidence assertion has no materiality with respect to anticipation or obviousness. Such an argument would mean that everything not disclosed is anticipated or obvious from a reference which fails to teach that limitation because it is not excluded. Obviousness and anticipation cannot be asserted to show specific limitation specifically on the basis that the failure or absence of a teaching allows for the limitation. **This is clear error.** The actual assertion in the rejection to assert the efficacy of that teaching is that:

b) "Having the spin time of the reel being determined only by the processor as newly cited in Claims 7 and 11 still is not inventive" (citing a case supporting obviousness for automating a manual control). Page 9, lines 2-5.

There is no basis for the underlying assumption that the prior art teaches manual selection of time intervals for a communal wagering system in which a central display and computer provides a communal result for all communal players. There is no basis for asserting that it would therefore be obvious to have the CPU/processor determine those intervals. As there is no showing of the first step as known prior art, manual selection and variation of time intervals for communal systems, the steps here **do not represent automation of a manual step.** This issue is not material to the present claims and must be withdrawn.

c) The applicants' invention from the claim language is merely an attract mode of spinning reels in which a player is able to bet on the spinning of the spinning reels at any time, the spinning or timing of the reels not being dependent on the player's wager"

The present technology is not an "attract mode" of spinning wheels but provides timed intervals for actual game result determination. The attract mode is a display where non-events are portrayed on a screen for s single game apparatus (which are not random event determinations and which are not communal events) to attract attention. They are simulated game displays to provide visual attraction (hence "attract mode") and give

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some minimal information on how the game is played. There is no actual game result determination that could be used by the processor to resolve wagers placed at communal monitors.

Claim 1 as now pending reads:

. A gaming machine system, including: a processor determining a result of a slot machine game at <u>predetermined intervals between game results that are</u> processor controlled times or time intervals, <u>without any player initiating the game;</u> and a plurality of terminals communicatively linked to said processor, the outcome at each said terminal being solely dependent on the single, communal result determined by said processor.

CLAIM 1	Hagiwara	COMMENTS
A gaming machine system, including:	The slot machine according to the embodiment shown in FIG. 1 comprises one main machine 1	
a processor determining a result of a slot machine game at <u>predetermined intervals between game results that are</u> processor controlled times or time intervals	The main machine 1 includes a central processing unit (CPU) 11. The CPU is connected to a symbol generator 12, for showing the pictures and patterns in the symbol rows, and a program memory 13 for storing a program for letting the game proceed.	**Hagiwara** has games initiated only by coin insertion and play at a main machine. **That is player initiation of the game.**
<u>, without any player initiating the game;</u> and	"The <u>main machine comprises control means for starting a game in response to an output of the detecting means of a subordinate machine and controlling the proceeding of the game,...</u>" (Column 1)	**Coin insertion and detection is player initiation of the game**
a plurality of terminals communicatively linked to said processor,	three subordinate machines 2a-2c. The main machine 1 is connected to the subordinate machines 2a-2c by cables 3, 4a-4c made of optical fibers, wires or the	

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	like through a distributor 5.	
the outcome at each said terminal being solely dependent on the single, communal result	the CPU 11 starts the game according to the program stored in the program memory 13, selects a pay line for each subordinate machine in accordance with the number of coins betted and lets the game proceed. Meanwhile, CRT display device 6 and the CRT monitors 7a-7c display the proceeding of the game. ...A "win" is found while the game is going on. That is, it is judged whether a combination of symbols lined along the pay line when the symbols are stopped on the CRT screen agrees with a preset combination of symbols. When the former combination agrees with the latter, the CPU 11 computes a payment rate for each won combination of each subordinate machine. Then, the CPU 11 outputs a payment command to a corresponding subordinate machine.	**Hagiwara** has the CPU in a terminal determine the outcome, making other terminals appear to be dependent upon a terminal controlled by another player.
determined by said processor <u>on wagers placed within the predetermined intervals.</u>	The coin paying-out mechanism of the subordinate machine which has received the payment command pays out a number of coins in accordance with the payment command. The judgement of "win" is made by the CPU 11 based on a preset table of win combinations, a random number table or others.	

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The underlying technology of Hagiwara requires a main machine, that is, an actual player-accessible slot machine. The main machine performs the games on demand by a player seated at that main machine, upon entry of a wager and mechanical/electronic input into the slot main machine. After a player is operating the main machine, other players may engage other machines on which the play activity of the main machine that is transmitted to the satellite machines. Thus, the system of Hagiwara requires a player at a specific machine (the main machine) before the other machines may be engaged. The play on the other machines is controlled (by way of timing) by physical entry of input by the player at the main machine. This is substantively different from the system described in the present claims.

In the present technology, a processor that is not actually driven by a terminal, but rather which operates independently of a specific terminal, generates game events. These game events may even be provided without any player at any terminal, and the results are displayed on a communal display and/or on each of the terminals, whether or not wagering has occurred. Players may sit any one of or all of the terminals and wager money on a game that is performed by the common processor, rather than a processor at a specific terminal (main machine) that must be specifically engaged before any other terminal can be operated. These differences are significant. Hagiwara does not anticipate the practices of:

    a) a processor determining a result of a slot machine game at predetermined intervals between game results that are processor controlled times or time intervals , without any player initiating the game; (Claim 1).

    b) a processor making game result determinations at predetermined intervals between game results or at predetermined time controlled by the processor independent of any player initiation; at least one player making a wager on a slot machine game at any respective terminal within the predetermined interval or before said predetermined time; (Claim 7)

    c) whether or not said wagers have been made, rotating a plurality of moving reels included in said gaming machine system a predetermined or random number of times, (Claim 11)

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These limitations in the independent claims are not shown by Hagiwara and the claims cannot be anticipated.

Claim 12 as amended also recites these types of limitations with respect to the processor controlled time intervals as shown below with **emphasis** added:

> A gaming machine system, including: a processor determining a result of a slot machine game; and a plurality of terminals each of which is physically separate from said processor and linked via communication means to said processor, the outcome at each said terminal being solely dependent on the single, communal result determined by said processor **at time intervals or at times predetermined by the processor without player initiation,** wherein only said terminals can receive individual wagers by players **before said processor predetermined time or within said processor predetermined time interval.**

Claim 12 and each claim dependent therefrom must be patentable over Hagiwara for at least the reasons provided in the discussion of these limitations with respect to claims 1, 7 and 11 above.

Patentability of Claim 17 - This new claim is also patentable. The claim recites, with **emphasis** added on terms to emphasize their importance, although not to the exclusion of other terms providing descriptions of novelty and unobviousness:

> A gaming machine system, including: **a processor determining a result of a slot machine game having actual or simulated symbols displayed in reel format at processor controlled times or time intervals**; and a plurality of terminals communicatively linked to said processor, the **outcome at each said terminal being solely dependent on the single, communal result determined by said processor.**

No reference is believed to shown a communal processor determining a specific reel format event result, and using that single reel format event result to determine wagering outcomes at a multiplicity of wagering terminals that have made a general wager on a reel event outcome.

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2. Claims 4-6, 10 and 16 have been rejected under 35 USC 103(a) as unpatentable over U.S. Patent No. 4,805,907 (Hagiwara) in view of Published US Patent Application No. 2006/0052149 (Bursill, having an original PCT filing date of 25 September 2001.

Claims 7 and 11 (the independent claims) also recite limitations that have been discussed above with respect to Hagiwara, including at least:

a) <u>a processor making game result determinations at predetermined intervals between game results or at predetermined time controlled by the processor independent of any player initiation;</u> at least one player making a wager on a slot machine game at any respective terminal <u>within the predetermined interval or before said predetermined time;</u> (Claim 7)

b) <u>whether or not</u> said wagers have been made, rotating a plurality of moving reels included in said gaming machine system a predetermined or random number of times, (Claim 11)

These limitations in the independent claims are not shown by Hagiwara or Acres et al. and the claims cannot be obvious without some clear or at least implied teaching of those limitations. Acres et al. does not overcome the deficiency of Hagiwara with respect to the issues discussed above with regard to processor controlled time intervals for game results in a communal system. The failure of Hagiwara has not been corrected by the addition of Acres and the rejection must fail.

The Bursill reference has not been cited to overcome the deficiencies of Hagiwara or the deficiencies of Hagiwara in view of Acres as described above. Therefore Bursill cannot overcome the underlying defect in the reference or combination of references with respect to the limitations in claim 1 of:

a) a processor determining a result of a slot machine game at <u>predetermined intervals between game results that are</u> processor controlled times or time intervals <u>, without any player initiating the game;</u>

As those limitations are not obvious from the teachings of Bursill, and those limitations have already been shown to be lacking from the combined teachings of Hagiwara in view of Acres, this rejection must fail for at least those reasons.

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3) It is to be noted that the rejection of record does not address claim 9. Therefore either the Office Action is incomplete and must be resent (the case reopened, allowing the above proposed amendments, if any) or claim 9 is to be considered as allowed. In view of the specificity of the claims identified in the rejection, one of these events MUST occur.

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CONCLUSION

All objections and rejections have been corrected or traversed. All rejections and objections should be removed and all claims allowed.

If the Examiner believes that an interview might expedite prosecution of the application or reduce issues, the Examiner is respectfully invited to call the attorney of record at **952.832.9090** during business hours, central Time Zone.

Respectfully submitted,

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